



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 3448-99  
15 November 1999



Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 27 October 1952 at the age of 17. Your record reflects you served for nearly a year without disciplinary incident but on 30 September 1953 you received captain's mast (CM) for failure to obey a lawful order. The punishment imposed was restriction for seven days. Shortly thereafter, on 7 December 1953, you received CM for straggling to muster. The punishment imposed was extra duty for two hours.

During the period from 30 April to 18 May 1954 you received CM on five occasions for leaving the mess-hall without permission, unauthorized hazing, failure to muster, straggling to muster, and disobedience. On 28 January 1955 you received your eighth CM for failure to obey a lawful order. The punishment imposed was restriction for seven days. During this period you also contracted a venereal infection on three occasions.

On 11 May 1955 you were notified of pending administrative separation action. After consulting with legal counsel you elected to submit a statement in rebuttal to the separation. Subsequently, your commanding officer recommended you be

separated by reason of unfitness due to repeated offenses and multiple cases of venereal infections. On 23 April 1955 the discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of unfitness. On 22 June 1955 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant a change in the characterization your discharge given your frequent misconduct which resulted in eight disciplinary actions in less than three years. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director